

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

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EPA, REGION III, PHILA, PA

IN RE:

B&S Pike Associates, L.P.
232-234 North 22nd Street
Philadelphia, PA 19103,

Torypete Management Inc.
1401 Arch Street
Philadelphia, PA 19107,

Full Moon Construction Co., Inc.
1118 Old Route 309
Sellersville, PA 18960, and

Terra Environmental Contractors, Incorporated.
1398 Wilmington Pike
West Chester, PA 19382,

Respondents.

DOCKET NO: CAA-3-2001-0003

I hereby certify that the
within is a true and correct copy
of the original FINAL ORDER
filed in this matter.


Attorney for U.S. EPA, Region III

FINAL ORDER

The undersigned accepts and incorporates into this Final Order by reference the Preliminary Statement, Compliance Provisions, Findings of Fact, Conclusions of Law and Full Settlement Recitation set forth in the foregoing Consent Agreement executed by Respondents B&S Pike Associates, L.P. , Torypete Management Inc., Full Moon Construction Co., Inc. and Terra Environmental Contractors, Incorporated, and by Complainant, the Director, Waste & Chemicals Management Division, U.S. Environmental Protection Agency, Region III.

NOW THEREFORE, pursuant to 40 C.F.R. § 22.18(b)(3), the undersigned ratifies the foregoing Consent Agreement and hereby orders that the Respondents, B&S Pike Associates,

L.P. , Torypete Management Inc., Full Moon Construction Co., Inc. and Terra Environmental Contractors, Incorporated, shall be liable for a civil penalty of one hundred and thirty thousand dollars (\$130,000.00). This settlement penalty amount was determined after consideration of the statutory factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e).

Respondents shall pay the one hundred and thirty thousand dollar (\$130,000.00) civil penalty within sixty (60) days of the effective date of this Final Order. All payments made pursuant to this Consent Order shall be made by either cashier's check or certified check made payable to "Treasurer, United States of America." The payment shall be mailed to the attention of EPA Region III, P. O. Box 360515, Pittsburgh, Pennsylvania 15251-6515 and shall reference the above case caption and docket number. Copies of the check shall be mailed at the same time payment is made to Lydia Guy, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029 and to A.J. D'Angelo (3RC10), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. The effective date of this Final Order is the date that it is filed with the Regional Hearing Clerk.

The following notice concerns interest and late payment penalty charges that will accrue if the civil penalty is not paid as directed.

Pursuant to 31 U.S.C. § 3717, an executive agency is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will begin to accrue on this civil penalty if it is not paid as directed. 4 C.F.R. § 102.13(b). Interest will be assessed at the rate of the United States Treasury tax and loan rate. 4 C.F.R. § 102.13(c). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due. 4 C.F.R. § 102.13(e). The United States Environmental Protection

Agency ("EPA") is also entitled to bring a civil action pursuant to Section 113(d)(5) of the Clean Air Act, 42 U.S.C. § 7413(d)(5), in order to collect any unpaid portion of the assessed penalty, together with interest, enforcement expenses (including, but not limited to, attorney fees and collection costs), and nonpayment penalties. In any such collection action, the validity, amount, and appropriateness of this Final Order or the penalty assessed hereunder shall not be subject to review.

Therefore, in order to avoid the assessment of interest and handling charges on the civil penalty set forth herein, Respondents must pay the civil penalty in the manner, and within the time, directed above. To avoid the assessment of penalty charges on the debt, Respondents must pay the civil penalty in the manner directed within ninety (90) days of the due date described above.

3/9/01
Date

Renée Sarajian
Renée Sarajian
Regional Judicial Officer